

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

UNITED STATES OF AMERICA

v.

CHIQUITA SMITH

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CR. NO. 2:12-CR-20-MHT

**MOTION TO DECREASE DEFENDANT'S OFFENSE LEVEL PURSUANT TO
§ 3E1.1(b), UNITED STATES SENTENCING GUIDELINES
(ACCEPTANCE OF RESPONSIBILITY)**

Comes now the United States of America, by and through George L. Beck, Jr., United States Attorney for the Middle District of Alabama, and respectfully moves this Court to reduce by one (1) level defendant's offense level based on defendant's acceptance of responsibility. As grounds for this motion, the United States avers as follows:

1. On January 19, 2012, Chiquita Smith ("Smith") was named in an indictment charging her with eight violations of federal law. Count One alleged that, between on or about June 13, 2010 and March 25, 2011, the Defendant knowingly and willfully conspired to defraud the United States by obtaining and aiding to obtain the payment and allowance of false, fictitious, and fraudulent claims, which were payments of refunds which had been generated by falsely filed tax returns, in violation of in violation of Title 18, United States Code, Section 286. Counts Two through Eight charged that between on or about June 13, 2010, and March 25, 2011, the Defendant knowingly possessed and transferred, without lawful authority, means of identification of other people, with the intent to commit theft of government property and, as a result of the offense, the Defendant and a conspirator obtained things of value that aggregated

\$1,000.00 or more during any 1-year period, in violation of Title 18, United States Code, Section 1028(a)(7) and Section (b)(1)(D) and Title 18, United States Code, Section 2.

2. On May 2, 2012, Smith pled guilty to counts one and two of the indictment. Smith's plea was done in a timely manner, thereby permitting the government to avoid trial preparation and permitting the Court to allocate its resources efficiently.

3. Therefore, pursuant to United States Sentencing Guidelines § 3E1.1(b), as amended, the United States makes this formal motion for a one-level reduction in Smith's offense level for acceptance of responsibility, such that the total reduction in offense level for defendant's acceptance of responsibility shall be three (3) levels.

WHEREFORE, the United States respectfully requests that this motion be GRANTED.

Respectfully submitted this the 24th day of September, 2012,

GEORGE L. BECK, JR.
UNITED STATES ATTORNEY

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CERTIFICATE OF SERVICE

I hereby certify that on September 24, 2012, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which will send notification of such filing to all attorneys of record.

Respectfully submitted,

GEORGE L. BECK, JR.
UNITED STATES ATTORNEY

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